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**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D-9454**

ADMINISTRATIVE LAW JUDGE:

JAY L. HIMES

IN THE MATTER OF:

RICARDO A. MURRILO

APPELLANT

**THE AUTHORITY'S RESPONSE TO APPELLANT'S APPLICATION FOR STAY OF
FINAL CIVIL SANCTIONS**

PUBLIC**CERTIFICATE OF SERVICE**

Pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), a copy of the Authority's Response to Appellant's Application for Stay of Final Civil Sanctions is being served on September 22, 2026, via Administrative E-File System and by emailing a copy to the below listed. I further certify that no portion of the filing was drafted by generative artificial intelligence ("AI") and any language in the filing that was drafted by generative AI was checked for accuracy by human attorneys or paralegals using printed legal reporters or online databases.

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The Horseracing Integrity and Safety Authority, Inc. (the “**Authority**”) files this Response to Appellant’s Application (“**Application**”) to stay sanctions imposed pursuant to the Final Decision (“**Final Decision**”) issued by Internal Adjudication Panel (the “**IAP**”) under the Authority’s Anti-Doping and Medication Control (“**ADMC**”) Program. The Application should be denied, as Appellant has failed to satisfy the requirements for a stay.¹

First, the likelihood of Appellant’s success on review is low.

The ADMC Program Rules (the “**Rules**”) were appropriately followed by both the Horseracing Integrity & Welfare Unit (“**HIWU**”) and the IAP member. HIWU met its burden of proof pursuant to Rule 3312, which states that “sufficient proof” is established where the presence of a Controlled Medication Substance is detected in the A Sample, and the Responsible Person waives analysis of the B Sample, and the B Sample is not analyzed.

While the Final Decision is dated August 27, 2026, it was provided to the parties on August 28, 2026.² August 28, 2026 was a Friday and thus, “Day 1” was Monday August 31, 2026. In accordance with 16 C.F.R. § 1.145(a), the Authority was required to file the Civil Sanction Notice by Tuesday September 1, 2026. The Civil Sanction Notice was timely filed with the FTC and served upon Appellant on September 1, 2026. Furthermore, it is apparent that Appellant “had actual notice of the HISA Civil Sanction Notice, as evidenced by his filing of a Notice of Appeal.”³

The Authority disputes that “the merits also present substantial questions.”⁴ “Facts related to violations may be established by any reliable means” and “Laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the Laboratory

¹ 16 C.F.R. §1.148(d).

² AB at p. 291.

³ *In the Matter of Jeffrey Poole*, Order Denying Motion to Declare Civil Sanctions Unenforceable at pp. 2–3.

⁴ Application at p. 1.

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Standards.”⁵ Appellant did not present sufficient proof to support his argument that the Laboratory departed from standards, nor did he introduce sufficient proof that established such alleged departures could have reasonably caused the Controlled Medication Substance to be present in the A Sample. Moreover, Appellant waived analysis of the B Sample. The IAP member appropriately weighed the evidence presented, and Appellant’s displeasure with the Final Decision does not render it invalid.

Second, Appellant has not and will not suffer irreparable harm.

Appellant does not point to any actual harm that has arisen. A claim that reputational harm *may* arise is not alone sufficient to justify a stay⁶ and certainly does not rise to the level of *irreparable* harm as “speculative injury is not sufficient.”⁷ Rule 3620 requires Public Disclosure of Appellant’s sanctions. Upon learning that an erroneous form was published on the relevant website link, the Agency took immediate action to remedy the Disclosure. The Agency is tasked with “regulat[ing] the public reporting and disclosure of cases”⁸ and essential to that duty is the ability to update disclosures as needed. Moreover, Appellant did not notify the Agency of the error until noting it in his appeal. Had Appellant notified the Agency directly and immediately, the Agency’s corrective action would have occurred sooner. Thus, were any harm to actually exist from publishing an erroneous form, Appellant compounded the harm by remaining silent. Additionally, the potential violation itself, which occurred on April 16, 2026, was posted by the Agency on May 21, 2026, in accordance with Rule 3610. Thus, the facts of this case have already been made public, as required by the Rules.

⁵ ADMC Program Rule 3122.

⁶ *In the Matter of Dr. Larry Overly, DVM*, Order on Application for Review and Application for Stay at p. 14.

⁷ *Id.* at p. 15, citing *Janvey v. Alguire* 647 F.3d 585, at 600 (5th Cir. 2011).

⁸ ADMC Program Rule 3010(f)(9).

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Disqualification of race results are not processed until “the violation has been finally adjudicated” and thus, the Disqualification will not occur until Appellant exhausts his appeal. *See* Rule 3321(c)(2). Moreover, harm can only be considered irreparable “where there is no adequate remedy at law, such as monetary damages”⁹ and “the temporary loss of income...does not usually constitute irreparable injury.”¹⁰ Appellant has not yet paid the fine associated with this matter, and, even if he had, any lost funds *would be* recoverable.

Third, as Appellant admits, third parties will *not* be harmed by the denial of a stay.

As outlined above, the race results will not be Disqualified while Appellant’s appeal is pending, and the Authority strongly contests Appellant’s argument that the Final Decision contained errors or improper sanctions. The ADMC Program protects the integrity of horseracing and the confidence of its stakeholders, including the betting public.¹¹ Granting the stay will undermine the Authority’s efforts to protect the integrity of horseracing.

Fourth, the stay is *not* in the public interest.

“A stay pending appeal is an intrusion into the ordinary processes of administration and judicial review, so this extraordinary relief is never granted as a matter of right.”¹² The public interest is served by individual compliance with the rules and regulations validly promulgated by federal agencies. Appellant bears the burden of satisfying the express requirements for a stay, as well as providing facts which support his request. He has not done either. To grant a stay despite these shortcomings would clearly not be in the public interest.

The Authority requests that Appellant’s Application for a stay be denied.

⁹ *Janvey v. Alguire*, 647 F.3d 585, 600 (5th Cir. 2011).

¹⁰ *Sampson v. Murray*, 415 U.S. 61, 90 (1974).

¹¹ Rules 3010(a) and 3010(d)(7).

¹² *Overly* at p. 10, citing *Rhode Island State Council of Churches v. Rollins*, No. 25-2089 (1st Cir. Nov. 9, 2025).

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ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 22nd day of September, 2026.

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